

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TERRY CARR

v.

WOR-WIC COMMUNITY
COLLEGE, ET. AL.

Civil No. 17-cv-01792-JFM

MEMORANDUM

Plaintiff has filed this action against Wor-Wic Community College, Murray Hoy and Karen Berkheimer for employment discrimination. Defendants have filed a motion to dismiss and for partial summary judgment. Plaintiff has responded to the motion. The motion will be granted.

First, to the extent that plaintiff asserts claims against defendants under Section 703(a)(1) of Title VII, he has failed to exhaust his administrative remedies. His charge of discrimination filed with the EEOC alleged only retaliation and disability discrimination. Moreover, the claims against Doctor Hoy and Ms. Berkheimer must be dismissed because there is no individual liability under Title VII. *See Lissau v. Southern Food Service, Inc.*, 159 F.3d 177, 181 (4th Cir. 1998).

Second, plaintiffs' ADA claims against Wor-Wic Community College are barred under the Eleventh Amendment. *See Board of Trustees v. Garrett*, 531 U.S. 536 (2001). Wor-Wic is a Maryland state agency and it has not waived its claim to sovereign immunity. *See McRay v. Maryland Department of Transportation*, 741 F.3d 480, 483 (4th Cir. 2014). Plaintiff's ADA

claims against Doctor Hoy and Ms. Berkheimer are barred because individual employees are not liable for violations of the ADA. *See Bair ex rel. Baird v. Rose*, 192 F.3d 462, 472 (4th Cir. 1999). Moreover, the record establishes that plaintiff was not fired for discriminatory reasons but because prior to the termination of his employment he verbally threatened his supervisor.

A separate order is being entered herewith granting defendants' motion.

10/6/17
Date

/s/
J. Frederick Motz
United States District Judge

FILED

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DISTRICT OF MARYLAND